

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
~~PATENT~~ EXAMINING OPERATION

Applicant: KEIL, KURT

Serial No.: 09/892,359

Filed: June 28, 2001

Mark: STRUCTURAL TUBING MEMBERS  
WITH FLARED OUT END SEGMENTS  
FOR CONJOINING

Group Art Unit: 3637

Docket No.: KK#2-3

Preliminary Class: Unknown

Examiner: Unknown

**SUPPLEMENTAL REPLY BRIEF TO THAT FILED ON MAY 2, 2006  
RESPONDING TO THE ACTION OF APRIL 11, 2006**

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Remarks:

This responds further to the Advisory Action mailed 10/19/06 (received by counsel 10/23/06) with a response now due to the PTO not later than 12/19/06. The Office OIPE postal card receipt recitation, stamped May 2, 2006 (Encl.A), which acknowledges receipt of the two Riders Sum and CLN, along with the First Reply Brief. Those riders appear to have gone misplaced before reaching the Examiner. Another identical copy of the May 2, 2006 brief is enclosed, replacing the Examiner-questioned Rider CLN which apparently have gone astray in the Office after its documented receipt at OIPE. Restudy of our April brief and riders will establish that there was, indeed, a fully compliant amendment timely submitted by Applicant in May 2006. Rider Sum detailed the status of all 27 claims pending during the prosecution. Rider CLN presents in clean text all of the allowed claims only to wit: 3, 5, 7, 8, 9, 10, 11 to 17, 20, 23, and 27 (a combo of claims 1 and 2 allowable). Rejected claims 1, 4, 6, 10, 18 and 19, were

canceled in the paper filed May 6, 2006. So, only still pending are the earlier allowed set of claims just recited above.

As to the Advisory Action, each checked paragraph therein will be taken up seriatim.

Advisory Action paragraph 1, 4, and 7. These have been addressed above as to proper claim pendency.

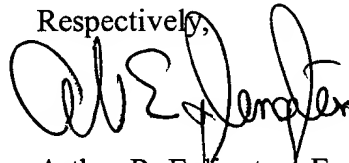
Noncompliant Notice paper, paragraph 4: A complete listing of pending claims was set forth in earlier Rider Sum and are re-presented, as the earlier Riders appear to have been separated from the May Reply Brief. These are all of the 16 claims in the case.

Complete listing of all the claims and their status is seen in Rider Sum. Recall this is a C-I-P of a long ago issued parent application, now Letters Patent.

As to Notice continuation paragraph 4(e) of the Notice of Non-Compliant Amendment such seeming unclarity as is rectified by the replacement of the Office-misplaced Rider CLN. Pending allowed claims 3, 5, 7,8,9, 11 to 17, 20, 23 and 27, are in condition for a formal Notice of Allowance. Such Office action is respectfully submitted.

Enclosures:  
Rider Sum  
Rider CLN  
OIPE Stamped receipt

Respectively,

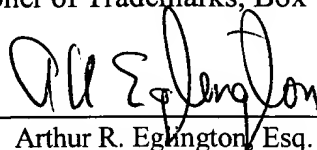


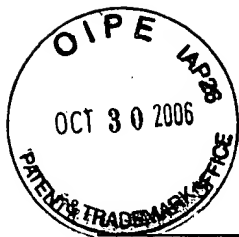
Arthur R. Eglington, Esq.  
601 Stoney Run Rd.,  
Chestnut Hill, RD#5  
Pottsville, PA 17901  
Phone/Fax: (570) 385-5021  
Alternate Fax: (570) 385-2532

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service on 26 Oct, 2006 as in an envelope addressed to: Commissioner of Trademarks, Box 1451, Alexandria, VA. 22313-1451

Date: 26 OCT, 2006

  
Arthur R. Eglington, Esq.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicants: KEIL, KURT

Group Art Unit: 3637

Serial No.: 09/892,359

Docket No.: KK#2-3

Filed: June 28, 2001

Preliminary Class: Unknown

Mark: STRUCTURAL TUBING  
MEMBERS WITH FLARED OUT  
END SEGMENTS FOR  
CONJOINING

Examiner: Phi P A

**RULE 116 REPLY BRIEF TO FINAL PTO ACTION OF APRIL 11, 2006**

Commissioner for Patents  
Box 1450  
Alexandria, Va. 22313-1450

COPY TO PTO  
ON 27 Sept 2006

Dear Sirs:

REMARKS

The last PTO action of April 2006, casts the pending 21 claims into three categories: allowable as presently set out in the clean claim set filed in October 2005 (11 claims); objected to but allowable, if their dependency is amended (4 claims); and finally rejected (6) claims.

Rider A attached here to sets out the current status of each pending claim plus the listing of independent claim 27, which effects the integration of claims 1 and 2, but concurrently eliminates the main claim 1, and dependent claim <sup>2</sup><sub>^</sub>, as well. Allowable dependent claim 3 is amended to depend from new main claim 27. Allowable dependent claim 5 is also amended to depend from main claim 27, and allowable dependent claim 7 is also amended to depend from main claim 27. Thus the four allowable dependent claims (2,3,5 and 7) are now all properly recast to overcome the dependency objections of the Examiner.

ENCL B

IN THE CLAIMS

Amended claims 1,4,6,10,18, and 19 (6 in all) are cancelled herewith consistent with the final action.

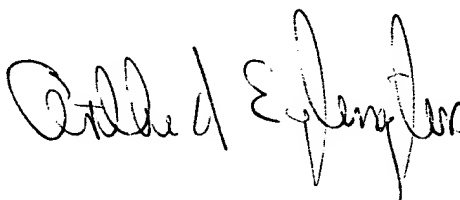
Kindly enter new main claim 27, which obviates the objection to original dependent claim 2, by integration with text of claim 1 as claim 27.

The following claims remain in the case allowable, and now are presented to be formally allowed: 3,5,7,8,9, and 11-17, 20 23, and 27, the last now allowable as including all the <sup>ORIGINAL</sup> limitations of the base claims 1 and 2.

Rider CLN enclosed presents all of the 15 allowable claims in clean text consistent with the PTO final action, also, the present ementments on dependency serve to effect the mandated claims interconnection.

There is no present need for a marked up set of claims, since all of their text were approved as earlier amended in this extended prosecution, the case having been file in June 2001 and the mostly allowable claim set made of record in 2005.

Respectfully,



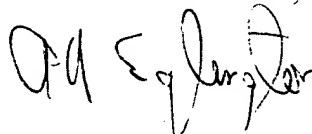
Enclosures:

Rider SUM  
Rider CLN

Arthur R. Eglington, Esq.  
601 Stoney Run Road.,  
Chestnut Hill, RD #5  
Pottsville, Pa. 17901  
Phone/Fax: (570) 38505021  
Alternate Fax: (570) 385-2532

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service on 28 April 2006 in an envelope addressed to Commissioner of Patents, Box 1450 Alexandria, VA. 22313-1450.



RIDER Sum TO REPLY BRIEF OF TO OFFICIAL FINAL ACTION OF APRIL 2006  
IN APPLICATION USSN 09/892,359

1. Finally rejected as of April 2006.- cancelled
2. Allowable as of April 2006 with change of dependency and with Claim 1 combined with Claim 2, as new claim 27.
3. Allowable as of April 2006 with change of dependency to new Claim 27.
4. Finally rejected as of April 2006.- cancelled
5. Allowable as of April 2006 with change of dependency.
6. Finally rejected as of April 2006.
7. Allowable as of April 2006 with change of dependency.
8. Finally allowed as earlier rewritten.
9. Finally allowed as earlier rewritten.
10. Finally rejected as of April 2006.
11. Formally/finally allowed as earlier rewritten.
12. Formally/finally allowed as earlier rewritten.
13. Formally/finally allowed as earlier rewritten.
14. Formally/finally allowed as earlier rewritten.
15. Formally/finally allowed as earlier rewritten.
16. Formally/finally allowed as earlier rewritten.
17. Formally/finally allowed as earlier rewritten.
18. Finally rejected as of April 2006.- cancelled.
19. Finally rejected as of April 2006.- cancelled.
20. Allowable as earlier rewritten.
21. Cancelled earlier.
22. Cancelled earlier.
23. Formally allowed as earlier rewritten.
24. Cancelled August 2005.
25. Cancelled August 2005
26. Cancelled August 2005.
27. Integration of original Claims 1 and 2 to effect indicated allowability.

09/892,359

27. 1. (new) A rigid channel member of a variable length formed from sheet steel stock in which the three member sidewalls are generally planar throughout their length and adapted to be custom-fitted and conjoined with at least one rigid surface of another member, being provided with linear groovings along with at least one planar surface to permit controlled separation of at least one sidewall thereof along the groovings, such channel member comprising:

- (a) a transverse configuration of the three sidewalls having a generally squared cross-section which defines an opposing longitudinal ends; and
- (b) a first pair of externally-placed, linear groovings arrayed in parallel with each of the grooving being located proximal to one of the two seams of the center sidewall, and the grooving being of a depth sufficient to facilitate separation under force of at least an initial finger of one sidewall end segment from the adjacent sidewall end segment, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation;
- (c) a second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the member, with each of the groovings being located proximal to one of the elongate set in the opposing planar surface, and each of the second pair of groovings being located proximal to the seam of the sidewalls, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second sidewall end segment from the adjacent adjoining two sidewall end

segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.

3. (twice amended) The tubular member of Claim 27 wherein a third pair of externally-placed, linear groovings, arrayed in parallel, are located in at least one of the third and fourth planar surfaces of the member, having the same juxtaposition as did each of the first and second pairs, and being of substantially the same depths as the first and second pairs of groovings to facilitate separation under force of at least an initial third finger from a third sidewall end segment from the adjacent two sidewall end segments.
5. (twice amended) The tubular member of Claim 27 wherein a second pair of externally-placed linear groovings, arrayed in parallel, are located in an opposing planar surface of the member, with each of the groovings being located coincident with the external linear seams of the tubing and on the opposing elongate edges of one planar surface thereof, and with each of the second pair being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second sidewall end segment from the adjoining two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.
7. (twice amended) The tubular member of Claim 27 wherein a second pair of internally placed, linear groovings, arrayed in parallel, are located in the opposing planar surface of the member, with each of the groovings being located coincident with the two elongate seams in the opposing planar surface, and each of the second pair being of a sufficient depth sufficient to facilitate separation under force of at least an initial second finger from one sidewall end

segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end at the points of separation.

8. (once amended) A rigid tubular member of a variable length formed from sheet steel stock in which the member sidewalls are generally planar throughout their length adapted to be custom-fitted and conjoined with at least on rigid surface of another member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall along the groovings, adapted to be fitted to other surfaces, such tubular member comprising:

- (a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends;
- (b) a first pair of externally-placed, linear groovings, arrayed in parallel, with each of the groovings being located proximal to each of the two seams of a single member sidewall in one planar surface of the member; and
- (c) a first pair of internally-placed, linear groovings, arrayed in parallel, with each of the groovings being located coincident with the internal linear seams of a first planar surface tubing sidewalls, of the first planar surface thereof, with the combination of the internal and external groovings being of the depth sufficient to facilitate separation under force of at least an initial first finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end at the points of separation.

9. (once amended)The tubular member of Claim 8 wherein:



(a) a second pair of externally-placed, linear groovings, arrayed in parallel, are located in the opposing planar surface of the member, with each of the groovings being located proximal to one of the elongate seams in an opposing planar surface; and,

(b) a second pair of internally placed, linear groovings, arrayed in parallel, are located in the opposing planar surface of the member, and disposed on the opposing elongate edge of the opposing planar surface, with each of the groovings being located coincident with one of the elongate seams in the opposing planar surface, and with the combination of the internal and external groovings being of a sufficient depth sufficient to facilitate separation under force of at least an initial first finger from one end wall segment from the adjacent two end wall segments, while maintaining the structural integrity of the transverse dimension of the separated end wall at the points of separation.

11. (twice amended) A pair of conjoined tubular members of variable length and like rectangular cross-sections, each having a narrower internal dimensional span and a comparatively wider external dimensional span wherein:

(a) the internal span of one opposing pair of complemental end sidewalls of a first member is maintained intact, while at least one of the complemental end sidewalls of a second member [and as to the one end sidewall it] includes a first pair of externally-placed, linear groovings arrayed in parallel, with each of the groovings being located proximal to one of the elongate opposing seams in one planar surface of the member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger from one end wall segment from the adjacent two end wall segments, while maintaining the structural integrity

of the transverse dimension of the separated end wall segment at the end point of separation which has been flared outwardly and fixedly and so that:

(b) the internal dimensional span of the first pair of sidewalls of the second member snugly straddles the narrower external dimensional span of the other intact first member for purposes of member conjoining at a point along the longitudinal dimensions of the first tubular member.

12. (once amended) The conjoined tubular pair of Claim 11 wherein the straddling second member is mounted upon the other first member at a substantially right angle.

13. (once amended) The conjoined tubular pair of Claim 11 wherein the straddling second member is mounted upon the other first member at an acute angle.

14. (once amended) The conjoined tubular pair of Claim 11 wherein each of two or more flared fingers of the divergent sidewall end segments are provided with a substantially central perforation, which perforations are adapted to align themselves with a complementary set of perforations provided in the sidewalls of the other conjoined member, so as to permit the passage there through of two or more interconnecting and fastener members.

15. (once amended) A pair of conjoined tubular members of variable length and rectangular cross-section both formed from sheet steel stock having a narrower external dimension span and a comparatively wider internal dimension span, wherein the external dimension span of the opposing pair of sidewalls of the first member is left intact, while at least one of the end sidewalls of the second member includes:

(a) a first pair of externally-placed, parallel with each of the groovings being located proximal to each of the two seams of a single member sidewall in one planar surface of the member, and each of the groovings being of a

depth sufficient to facilitate separation under force of at least an initial finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separate sidewall end segment at the end point of separation and which has been flared outwardly and fixedly, so that:

- (b) the internal dimension span of the second member tightly straddles the unflared end sidewalls of the external narrower dimension of the first member at its one longitudinal end, providing at least three sidewall end segments of the second member contacting the first member.

16. (once amended) A pair of conjoined tubular members each of variable length and rectangular cross-section, each having a narrower external dimensional span and, on the opposing sides, a comparatively wider, internal dimensional span of the remaining two sides, wherein:

- (a) first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to one of the elongate opposing seams in one planar surface of the second member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger from one end wall segment from the adjacent two end wall segments, while maintaining the structural integrity of the transverse dimension of the separated end wall segment at the end point of separation.

- (b) a second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the second member, with each of the groovings being located proximal to one of the elongate seams in the opposing planar surface, and each of the second pair

of groovings being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second end wall segment from the adjoining two end wall segments, while maintaining the structural integrity of the transverse dimension of the separated end wall segment at the end point of separation.

(c) one opposing pair of sidewall end segments of the second member are flared angularly relative to the intact first member sidewall and seat upon an external planar surface of the first member sidewall;

(d) while at least one of the other end segments of the second member has been flared outwardly and fixedly so that:

(e) the one opposing pair of sidewall end segment of the second member are stepped out and adapted to straddle the external dimensional span of the first intact tubular member.

17. (once amended) The pair of tubular members of Claim 16 wherein the first member sidewall end segments and the intact second member sidewalls are each provided with a substantially central perforation, which perforations are adapted to align themselves with a complementary set of perforations in the underlying intact second member, so as to permit the passage there through of two or more interconnecting and fastening members.

20. (once amended) A pair of conjoined tubular members each of variable length and variable cross-section both formed from sheet steel stock, wherein:

(a) a first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to each of the two seams of a single member sidewall in one planar surface of the second member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger from one sidewall end segment from

the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.

(b) a second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the second member, with each of the groovings being located proximal to one of the elongate seams in the opposing planar surface, and each of the second pair of groovings being of a depth sufficient to facilitate separations under force of at least an initial second finger from a second sidewall end segment from the adjoining two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation;

(c) one opposing pair of the sidewall end segments of the second member are flared angularly relative to the intact first member sidewall and seat upon an external planar surface of the first member sidewall;

(d) while at least one of the other end segments of the second member has been stepped out flared outwardly and fixedly, so that:

(e) the opposing pair of sidewall end members of the second member are adapted to straddle the external dimensional span of the first intact tubular member.

23. (once amended) A rigid tubular member of a variable length formed from sheet steel stock, in which the member sidewalls are generally planar throughout their length and adapted to be custom-fitted and conjoined with at least one rigid surface of another member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall thereof along the groovings, such tubular member comprising:

- (a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends:
- (b) a first pair of externally-placed-linear groovings, with each grooving being located coincident with the two seams of a contiguous member sidewall, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial first finger on one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation, and
- (c) a second pair of externally-placed, linear groovings, which are coincident with the two seams of the member opposing sidewall, and each of the groovings being of a depth sufficient to facilitate separation under force of at least a second finger of the adjacent sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.